

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SERGIO BONILLA, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

ANCESTRY.COM OPERATIONS INC., a  
Virginia Corporation; ANCESTRY.COM INC.,  
a Delaware Corporation; ANCESTRY.COM  
LLC, a Delaware Limited Liability Company;  
and DOES 1 through 50, inclusive,

Defendants.

CASE NO. 1:20-cv-07390

Hon. Virginia M. Kendall

**ANCESTRY’S RULE 12(B)(2) AND 12(B)(6) MOTION TO DISMISS PLAINTIFF’S  
FIRST AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), defendants Ancestry.com Operations Inc., Ancestry.com Inc., and Ancestry.com LLC (collectively, “Ancestry”) hereby move to dismiss the First Amended Complaint. The Court should dismiss the First Amended Complaint under Rule 12(b)(2) because plaintiff Sergio Bonilla has failed to adequately plead that Illinois has personal jurisdiction over Ancestry. If, however, the Court does not dismiss it under Rule 12(b)(2), Ancestry respectfully requests this Court dismiss it with prejudice on the grounds that: (1) plaintiff lacks standing under Article III of the U.S. Constitution, (2) all of plaintiff’s claims are foreclosed by Section 230 of the Communications Decency Act, (3) all of plaintiff’s claims are preempted by Section 301 of the Copyright Act, (4) plaintiff’s right of publicity claim fails because the challenged conduct is exempted under the statute, (5) plaintiff cannot state a claim for intrusion upon seclusion, (6) plaintiff cannot state a

claim for unjust enrichment, and (7) plaintiff cannot state a claim under the Illinois Consumer Fraud and Deceptive Practices Act.

For the foregoing reasons, as set forth more fully in the accompanying memorandum of law, the Court should dismiss the Complaint with prejudice.

Dated: April 9, 2021

Respectfully submitted,

By: /s/ Lazar Raynal  
Lazar Raynal

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*Attorneys for Defendants Ancestry.com  
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Ancestry.com LLC*

**CERTIFICATE OF SERVICE**

I, the undersigned, certify that on April 9, 2021, I caused a true and correct copy of the foregoing to be filed electronically with the Clerk of the Court using the CM/ECF system. Notice of this filing will be sent to counsel of record via the Court's CM/ECF automated filing system.

By: /s/ *Lazar Raynal*  
Lazar Raynal